

**CITY COUNCIL RESEARCH DIVISION
LEGISLATIVE SUMMARY**



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Bill Type and Number: Ordinance 2023-567

Introducer/Sponsor(s): Council Members Carrico, Gay, Pittman, Freeman

Date of Introduction: August 22, 2023

Committee(s) of Reference: NCSPHS

Date of Analysis: August 24, 2023

Type of Action: Ordinance Code amendment

Bill Summary: The bill amends Ordinance Code Chapter 614 – Public Order and Safety – in Section 614.133 – Prohibited Activities in City Parks – to prohibit the possession or use of tobacco products or vapor-generating devices in public parks. It directs the Director of Parks, Recreation and Community Services to update applicable park policies and signage to notify the public of the prohibition.

Background Information: The bill defines “smoking” as inhaling, exhaling, burning, carrying or possessing any tobacco product, or the use of an electronic smoking device or vapor-generating device. “Tobacco product” is defined to include cigarettes, pipe tobacco, filtered cigars, chewing tobacco, snuff, snus, or other plant product (including marijuana, hemp or other plant-based products) intended for inhalation, and any other lighted tobacco product, whether natural or synthetic, except unfiltered cigars (the regulation of which is pre-empted by Section 29 386.209, Florida Statutes). The preamble to the ordinance recognizes that regulation of smoking is generally preempted to the Florida Legislature, but notes that in June of 2022 the governor signed legislation granting to city and county governments the authority to ban smoking within the boundaries of public parks.

Policy Impact Area: Park use regulation; public health

Fiscal Impact: Undetermined cost for placement of signage in parks

Analyst: Clements